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PTO/SB/31 (09-04)  
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# NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

P5630USA-D1 (PIL0009/US/2)

I hereby certify that these documents are being deposited with the U.S. Postal Service on  
October 15, 2008, as first class mail, addressed to Mail Stop AF, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450.

Signature

*Mary C. Deutsch*Typed or printed name Mary C. DeutschIn re Application of  
David J. Domingues et al.

Application Number

10/771,859

Filed

February 3, 2004

For

FOOD PRODUCTS WITH BIOCONTROL  
PRESERVATIVES AND METHOD

Art Unit

1794

Examiner

Wong, Leslie A.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$540.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced  
by half, and the resulting fee is:

☒ A check in the amount of \$540.00 is enclosed for payment of the Notice of Appeal fee. 10/20/2008 TLJU11 00000006 10771859

☐ Payment by credit card. Form PTO-2038 is attached. 01 FC:1401 540.00 OP

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  
I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any additional fees to Deposit Account No. 50-1775 for entry of this Notice of Appeal.

☐ A request for a two-month extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☐ attorney or agent of record.

Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. 46,346

651-275-9846

Telephone number

October 15, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.